

Exhibit A

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

**SPACE EXPLORATION
TECHNOLOGIES CORP.,**

Plaintiff,

v.

**NATIONAL LABOR RELATIONS
BOARD, a federal administrative agency,
JENNIFER ABRUZZO, in her official
capacity as the General Counsel of the
National Labor Relations Board, LAUREN
M. McFERRAN, in her official capacity as
the Chairman of the National Labor
Relations Board, MARVIN E. KAPLAN,
GWYNNE A. WILCOX, and DAVID M.
PROUTY, in their official capacities as
Board Members of the National Labor
Relations Board, and JOHN DOE in his
official capacity as an Administrative Law
Judge of the National Labor Relations
Board,**

Defendants.

Civil Action No. 1:24-cv-00001

**DECLARATION OF MICHAEL CRAMER IN SUPPORT OF
PLAINTIFF'S OPPOSITION TO MOTION TO TRANSFER**

Pursuant to 28 U.S.C. § 1746, I, Michael Cramer, declare as follows:

1. I am a Senior Engineer in Information Technology (IT) Systems Engineering at Space Exploration Technologies Corp. (“SpaceX”).
2. In this role, among other things, I install, configure, and test operating systems, application software, and system management tools. I am based at SpaceX’s offices in Hawthorne, CA.
3. In my role I have access to certain of SpaceX’s digital records and databases and the data they contain.
4. On June 15, 2022, a small group of SpaceX employees distributed an Open Letter to all SpaceX Executives (the “Open Letter”) to almost all SpaceX employees across all SpaceX facilities—including Starbase, the Houston facility, and SpaceX’s other Texas facilities—over several different SpaceX platforms and channels of communication, including email, Confluence, SharePoint, and Microsoft Teams.
5. Confluence is a commercial software used to create virtual workspaces where employees can create, discuss, and collaborate on projects. SpaceX maintains internal Confluence pages and message boards where employees can create and share content, such as meeting notes or project plans, and post “comments” on the page to engage with each other. Sharepoint is a similar platform in the Microsoft Office suite of products. Microsoft Teams is a business communications platform that offers various conferencing and chat features.
6. The Open Letter listed several “action items” and asked SpaceX employees to fill out a survey and also “to provide feedback” regarding the action items via both (a) multiple choice questions; and (b) an open essay question soliciting thoughts of employees on the Open

Letter, ideas for other actions beyond those included in the Open Letter, and general feedback. The Open Letter contained both a hyperlink and a QR code to access the survey.

7. In connection with the federal litigation in this matter, I have used SpaceX's records and databases to identify the intentional interactions that SpaceX employees had with the Open Letter across the different SpaceX communication channels, quantify those interactions, and then group those interactions by the facility at which those employees were based. Using the data in SpaceX's records, I generated an excel spreadsheet that captured all intentional interactions with the Open Letter at SpaceX's facilities, including its Starbase facility outside of Brownsville and its Houston, McGregor, and Bastrop facilities (in addition to SpaceX's other facilities). The spreadsheet also identified which employees those interactions were attributable to for the purposes of quantifying the number of unique individuals at each facility that interacted with the letter and the number of intentional interactions by the employee. The data set I used to do so reflected intentional interactions over the two-day period from June 15 to June 16, 2022.

8. As part of this process, I analyzed the types of interactions to ensure they were likely to reflect an intentional act by an employee and then removed certain interactions attributable to automated back-end processes that did not reflect an independent interaction by the employee with the Open Letter. There were, however, four types of interactions that I was unable to identify and could reflect an employee's action (i.e., might have been an intentional interaction with the letter, but also might not.) As a result, I was able to identify a range of interactions that likely reflect intentional interactions by the employees—with the high end of that range including the four unidentifiable interactions and the low end of that range including only interactions likely to be intentional (the "Interaction Data").

9. The Interaction Data shows that over the two-day period of June 15 to June 16, 2022, employees at Starbase had anywhere from 1,537 to 2,230 captured interactions with the Open Letter. In the Houston facility, where only a handful of employees are based, those employees had 23 to 33 captured interactions with the Open Letter. Employees based at SpaceX's McGregor facility had 820 to 1,170 captured interactions with the Open Letter. Employees at the Bastrop facility—which was then under construction but is now home base for some 400 SpaceX employees and growing rapidly—had 108 to 151 captured interactions with the Open Letter.

10. The Interaction Data reflects that most employees who interacted with the Open Letter did so multiple times over the two-day period of June 15 to June 16, 2022.

11. For example, there were only six employees assigned to the Houston facility at that time. The Interaction Data shows that four of those six employees had intentional interactions with the Open Letter. Of those, one employee had 17 interactions, another had 7 interactions, and a third had 8 interactions.


12. The Interaction Data for Starbase then reflects that approximately 211 unique employees interacted with the Open Letter over the two-day period of June 15 to 16, 2022 and shows that almost all those employees had multiple interactions. On the high end, I identified individual employees with interaction counts as high as 35, 33, and 30 over the two-day period. From my review, most Starbase employees who interacted with the Open Letter had at least five captured interactions.

13. The Interaction Data captures voluminous raw data totaling approximately 30,891 rows in excel format reflecting the total number of captured interactions by SpaceX employees across all SpaceX facilities over the two-day period of June 15 to June 16, 2022.

14. The Interaction Data most likely does not capture every digital employee interaction with the Open Letter at Starbase, the Houston facility, or SpaceX's other facilities. Based on my personal experience using QR codes and observing others' use of QR codes, any employee who scanned the QR code in the Open Letter likely would have done so using a cellular device's camera. SpaceX does not have access to data from any such activity undertaken using employees' personal cellular devices. As a result, I believe the above numbers likely represent a significant underestimation of the total employee digital interactions with the Open Letter across SpaceX's facilities over the two-day period of June 15 to June 16, 2022.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on February ¹____, 2024, in Hawthorne, California.



Michael Cramer (Feb 1, 2024 10:04 PST)

Michael Cramer